

REMARKS

Claims 1-12, 14-38, 42-56, and 58-59, and 61 were pending in the present application. Claims 1, 17, 34, 36, 43, 53, and 58 have been amended. As a result of this amendment, claims 1-12, 14-38, 42-56, and 58-59, and 61 are pending. Reexamination and reconsideration are requested in light of the accompanying amendments and remarks.

The objection to claims 9-12, 15, 58, 59, and 61 has been overcome. Claim 58 has been amended to recite the basis for the materials in the resin component.

The rejection of claims 14, 30, and 35 under 35 U.S.C. § 112, second paragraph as being indefinite is respectfully traversed. The term "amide/imidazoline" is known to those skilled in the art, as demonstrated by its use in a number of other patents, including U.S. Patent Nos. 6,212,756, 5,767,047, 5,681,800, and 5,658,863. Applicant respectfully requests that the rejection be withdrawn.

The rejection of 1-8, 14, 16-35, 55, and 56 under 35 U.S.C. § 112, second paragraph as being indefinite has been overcome. Claims 1, and 17 have been amended to recite that the viscosity is at room temperature. One of skill in the art would understand that the viscosity was measured at room temperature when no temperature was specified.

The rejection of claims 1-7, 9, 14-18, 21-24, 26, 27, 29-34, 36, 37, 42, 43, 45-48, 52, 53, 55, 58, 59, and 61 under 35 U.S.C. § 103(a) as being unpatentable over Hartman (U.S. Patent No. 6,068,885) has been overcome.

Hartman teaches an epoxy sealer/healer formulation for sealing and strengthening cracked concrete comprising an epoxy resin, an amine and a dialkylene triamine-alkylene oxide adduct. Abstract.

According to the examiner, Hartman discloses "a resin component (column 3, lines 9-50) comprising: an epoxy resin (column 3, lines 9-16); and a diluent (column 3, lines 17-50). . . ." However, Hartman does not teach or suggest "about 70 to about 90 % by weight of resin component of an epoxy resin; and about 10 to about 30% of a diluent," as in claims 1, 17, and 36, or "about 5 to about 30 % by weight of a difunctional reactive diluent," as in claim 58. Hartman teaches that Part A contains 40-55% by weight epoxy resin, and 45-60% by weight diluent, with 35-45% by weight being diepoxide diluent.

Increasing the amount of epoxy resin or decreasing the amount of diluent would increase the mixed viscosity.

With respect to claims 17, 29, 31, 34, 36, and 52, the examiner stated that “Applicant fails to provide any criticality for these material proportions.” Contrary to the examiner’s position, the specification discusses the types and amounts of various components needed to obtain the properties for the high strength infiltrant (p. 6, line 6 to p. 9, line 8) and the flexible infiltrant (p. 10, line 8 to p. 13, line 12).

As to claims 46-48, 53, and 55, the examiner stated that “Applicant fails to provide any criticality for these material combinations and proportions thereof.” However, the specification describes the types and amounts of the components needed to obtain the properties for both the high strength infiltrant and the flexible infiltrant, as discussed above.

Therefore, claims 1-7, 9, 14-18, 21-24, 26, 27, 29-34, 36, 37, 42, 43, 45-48, 52, 53, 55, 58, 59, and 61 would not have been obvious to one having ordinary skill in the art at the time the invention was made over Hartman.

The rejection of claims 8, 10, 28, and 49 under 35 U.S.C. § 103(a) as being unpatentable over Hartman in view of McLean has been overcome. McLean is cited as teaching aminoethyl-piperazine and poly-oxypropyleneamine base polyamine. However, McLean does not remedy the deficiencies of Hartman. Therefore, claims 8, 10, 28, and 49 would not have been obvious to one having ordinary skill in the art at the time the invention was made over Hartman in view of McLean.

The rejection of claims 11, and 50 under 35 U.S.C. § 103(a) as being unpatentable over Hartman in view of Golding has been overcome. Golding is cited as teaching the use of diethylene glycol di(aminopropyl) ether base unmodified aliphatic amine. However, Golding does not remedy the deficiencies of Hartman. Therefore, claims 11, and 50 would not have been obvious to one having ordinary skill in the art at the time the invention was made over Hartman in view of Golding.

The rejection of claims 12, 51, and 56 under 35 U.S.C. § 103(a) as being unpatentable over Hartman in view of McLean and Golding has been overcome. McLean and Golding do not remedy the deficiencies of Hartman. Therefore, claims 12, 51, and

56 would not have been obvious to one having ordinary skill in the art at the time the invention was made over Hartman in view of McLean and Golding.

Applicants gratefully acknowledge the examiner's statement that claims 38, 44, and 54 would be allowable if rewritten to include all the limitations of the base claim and any intervening claims, and that claims 19, 20, 25, and 35 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all the limitations of the base claim and any intervening claims. However, this was not deemed necessary in light of the amendments and arguments made herein.

CONCLUSION

Applicants respectfully submit that the application is now in condition for allowance.

If the Examiner has any questions or comments regarding the present application, he is invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,
DINSMORE & SHOHL LLP

By /Patricia L. Prior/
Patricia L. Prior
Registration No. 33,735

One Dayton Centre
One South Main Street, Suite 1300
Dayton, Ohio 45402-2023
Telephone: (937) 449-6400
Facsimile: (937) 449-6405

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